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13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

15
16 KEVIN RISTO, on behalf of himself
17 and all others similarly situated,

18 Plaintiff,

19 v.

20 SCREEN ACTORS GUILD-
AMERICAN FEDERATION OF
21 TELEVISION AND RADIO
ARTISTS, a Delaware corporation;
22 AMERICAN FEDERATION OF
MUSICIANS OF THE UNITED
23 STATES AND CANADA, a California
nonprofit corporation; RAYMOND M.
24 HAIR, JR, an individual, as Trustee of
the AFM and SAG-AFTRA Intellectual
25 Property Rights Distribution Fund;
TINO GAGLIARDI, an individual, as
26 Trustee of the AFM and SAG-AFTRA
Intellectual Property Rights Distribution
27 Fund; DUNCAN CRABTREE-
IRELAND, an individual, as Trustee of
28 the AFM and SAG-AFTRA Intellectual

CASE NO. 2:18-CV-07241-CAS-PLA

CLASS ACTION

**DECLARATION OF KEVIN RISTO
IN SUPPORT OF PLAINTIFF'S
NOTICE OF MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. Christina A. Snyder

Date: September 14, 2020
Time: 10:00 am
Crtrm.: 8D

1 Property Rights Distribution Fund;
2 STEFANIE TAUB, an individual, as
3 Trustee of the AFM and SAG-AFTRA
4 Intellectual Property Rights Distribution
5 Fund; JON JOYCE, an individual, as
6 Trustee of the AFM and SAG-AFTRA
7 Intellectual Property Rights Distribution
8 Fund; BRUCE BOUTON, an
9 individual, as Trustee of the AFM and
10 SAG-AFTRA Intellectual Property
11 Rights Distribution Fund; and DOE
12 DEFENDANTS 1-10,

13
14 Defendants.

DECLARATION OF KEVIN RISTO

I, Kevin Risto declare as follows:

1. I am the named Plaintiff and proposed class representative in the above-captioned class action lawsuit against the Screen Actors Guild-American Federation of Television and Radio Artists (“SAG-AFTRA”), American Federation of Musicians of the United States and Canada (“AFM”), and the trustees of the AFM and SAG-AFTRA Intellectual Property Rights Distribution Fund (the “Fund”) Raymond M. Hair Jr., Augustino Gagliardi, Duncan Crabtree-Ireland, Stefanie Taub, Jon Joyce, and Bruce Bouton (collectively “Defendants”). I submit this declaration in support of Plaintiff’s Motion for Class Certification. I am personally familiar with the facts that are provided in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

2. I am a beneficiary of the Fund and entitled to royalties as a non-featured artist for the song “When I See U,” by Fantasia. I have written and produced songs for other artists including, but not limited to, Jennifer Lopez, 50 Cent, and Justin Bieber. I also received a Grammy award for my work on Frank Ocean’s “Channel Orange” album. I am not a member of an artist union.

3. I decided to serve as a class representative and to pursue this class action lawsuit against the Defendants without any promise of recovery or compensation. By serving as class representative, it is my goal to ensure monetary, declaratory, and injunctive relief for all Fund beneficiaries who are class members; requiring a return to the Fund of the 3% fee taken since July 2013 (the “Service Fee”); cessation of collection of the Service Fee; and a declaration that the Data Purchase and Services Agreement is void and unenforceable.

4. It is my understanding that this lawsuit could not have been pursued on behalf of the class members against the Defendants unless an impacted Fund beneficiary, such as myself, served as class representative. In deciding to serve as the

1 class representative in this case, I understood there was a potential that my name would
2 be disclosed to the media, and could adversely impact my working relationship with
3 members of the Defendant unions or related entities. Despite these risks, I have agreed
4 to serve as a class representative.

5 5. To date on behalf of myself and the class, I have helped vigorously pursue
6 the claims of this case and fulfilled all my responsibilities as class representative. These
7 efforts required dedicating time to case-related activities including, but not limited to:
8 (1) reviewing and approving court-filings, including the operative Class Action
9 Complaint; (2) staying informed and communicating with my attorneys regarding the
10 status and progress of this lawsuit; (3) participating in the collection of documents and
11 preparation of the discovery responses; (4) participating in mediation with Defendants.
12 These activities required time and resources that could have been spent on other
13 professional matters.

14 6. I have no conflicts of interest with any members of the class and will
15 continue to vigorously pursue all claims on behalf of the class. I remain ready, willing,
16 and able to continue actively participating in this lawsuit and fulfilling my
17 responsibilities as class representative throughout the course of this litigation including
18 attending and providing testimony at deposition and trial if necessary.

19 I declare under penalty of perjury under the laws of the United States of
20 America that the foregoing is true and correct.

21 Executed on June 26, 2020, at Las Vegas, Nevada.

22
23 DocuSigned by:



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25 Kevin Risto